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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,229	02/27/2004	Charles R. Weir	25346B	7982
22889	7590	05/09/2007		
OWENS CORNING 2790 COLUMBUS ROAD GRANVILLE, OH 43023			EXAMINER SINGH, ARTI R	
			ART UNIT 1771	PAPER NUMBER
			MAIL DATE 05/09/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/789,229

Applicant(s)

WEIR ET AL.

Examiner

Ms. Arti Singh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

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## DETAILED ACTION

### *Response to Amendment*

1. The Examiner has carefully considered Applicant's remarks dated 03/09/06 in response to the Non-Final rejection dated 08/25/06. Applicant's remarks have been entered and at this time in the claims that are under prosecution is Claims 1-4. Applicant's response is persuasive and found to be sufficient to overcome the previously made art rejection, which is now withdrawn. However, upon updating the search, new art was found and has been applied below. Applicant's arguments are moot as a new grounds of rejection has been set forth below.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3 are rejected under 35 U.S.C. 102(b) as anticipated by USPub 2006/0236641 issued to Nordgreen et al.

Nordgreen et al. teach general sheathings that are used in structures and more particularly to prefabricated housings, site built houses and in remodeling [0002]. In paragraph 0007 the instant reference discloses that such sheathing is adapted to be fastened to at least one wall supporting structure which comprises at least two layers with additional layer envisioned. In Figure 5 and paragraph 0040-0046, the reference teaches that which is equivalent to Applicant's claimed layers in Claims 1-3. The Examiner is equating layer 12, which may be a polymeric scrim, made of polyolefin's [0031], and is equivalent to Applicant's decorative layer. This layer is adjacent to an adhesive layer 16, which is equivalent to Applicant's

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adhesive layer found on the first surface of the insulative core. This is followed by layer 18 which is equivalent to Applicant's core layer. On the opposite side of the core layer the reference teaches that additional layers may be present (layers 14 and 18). Therefore, Nordgreen et al anticipate claims 1-3.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as obvious over USPub 2006/0236641 issued to Nordgreen et al. in view of USPN 5665447 issued to Greaves et al.

Nordgreen et al teach what is set forth above, but fail to disclose that the inner or additional layers of their composite are fiberglass. Nordgreen et al teach that the inner layers of the composite may be chosen for specific properties such as radiant barrier, or flame retardancy etc. Greaves et al, USPN 5665447, remedy this.

USPN 5665447 teaches insulative products which are multilayered composites, comprising a core and adjacent layers which are may be fiberglass, rock, slag basalt, etc., (column 4, lines 15-30). Therefore, a person having ordinary skill in the art at the time the invention was made would have found it obvious to have used the fiberglass layer of Greaves, in the composite of Nordgreen et al. One would have been motivated to do so to create a insulation system that was soundproof. Additionally, it is well known in the art of fibers that fiberglass is flame retardant.

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*Conclusion*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arti Singh whose telephone number is 571-272-1483. The examiner can normally be reached on Monday-Thursday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel H. Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN US A OR CANADA) or 571-272-1000.



Arti Singh  
Primary Patent Examiner  
Art Unit 1771